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WRITER'S DIRECT

August 16, 2007

FILED/ACCEPTED

AUG 16 2007

Federal Communications Commission  
Office of the Secretary

\*NOT ADMITTED IN VIRGINIA

Marlene H. Dortch, Esquire  
Secretary  
Federal Communications Commission  
445 12th Street, S.W., Room TW-B204  
Washington, D.C. 20554

Attention: Media Bureau, Audio Division

Re: Petition for Rule Making  
Amendment of Section 73.202(b)  
Clayton, Oklahoma

Dear Ms. Dortch:

Transmitted herewith, on behalf of North Texas Radio, Group L.P., are an original and four copies of its Petition for Rule Making to request an amendment of Section 73.202(b) of the Commission's rules to provide for a channel substitution for the vacant allotment at Clayton, Oklahoma. This petition for rule making is being submitted concurrently with a modification application as set forth in the petition.

Should any questions arise concerning this matter, please communicate with this office.

Very truly yours,



Anne Goodwin Crump  
Counsel for North Texas Radio Group, L.P.

Enclosures

No. of Copies rec'd 0+4  
List ABCDE

07-44 MB

**Before the Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MB Docket No. 07-_____
Table of Allotments,	)	RM-_____
FM Broadcast Stations.	)	
(Clayton, Oklahoma)	)	

Directed to: Chief, Audio Division, Media Bureau

**PETITION FOR RULE MAKING**

North Texas Radio Group, L.P. ("North Texas"), by its attorneys, hereby respectfully submits its Petition for Rule Making to substitute Channel 262A for vacant Channel 241A at Clayton, Oklahoma. With respect thereto, the following is stated:

1. North Texas is the licensee of KFYZ-FM, Bennington, Oklahoma. As has previously been reported to the Commission, due to power supply and other difficulties associated with KFYZ-FM's currently authorized transmitter site, KFYZ-FM has been unable to maintain regular broadcast operations. Indeed, the station is currently off the air pursuant to Special Temporary Authority, File No. BLESTA-20070717ABY. North Texas has determined that it is not feasible for KFYZ-FM to maintain any long-term operations in accordance with its current authorization at its licensed transmitter site.

2. Accordingly, North Texas is simultaneously herewith filing with the Commission an application for construction permit for modification of facilities to propose a same-class channel substitution and change in transmitter location. This application specified a new transmitter site which will provide for a return to regular broadcast operations by the station. Moreover, the

change in channel and transmitter site will allow for a substantial increase in the population served by the station. As set forth in the engineering information attached hereto at Exhibit A, the increase in population within the 70 dBu, city grade contour will be 1,682, representing an increase of 74.7 percent in the number of people served. Even more dramatically, the population within the 60 dBu service contour will nearly triple, going from 5,749 to 15,675. Clearly, therefore, the facilities changes proposed for KFYZ-FM would create a more efficient distribution of service and would serve the public interest.

3. In order for these benefits to be realized, however, it is necessary to substitute a new channel for vacant Channel 241A and to change the reference co-ordinates at Clayton, Oklahoma. As set forth in the attached engineering, Channel 262A may be substituted for Channel 241A in accordance with the Commission's Rules. The proposed reference co-ordinates for Channel 262A at Clayton are 34° 32' 48" North Latitude, 95° 29' 45" West Longitude. This location is meets all spacing requirements and, as depicted in the attached map, would allow a station to provide the requisite city grade coverage to the community of Clayton.<sup>1</sup> As an equivalent class channel is being proposed, there would be no detriment to any party interesting in seeking an authorization for the Clayton allotment.

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<sup>1</sup> While a previous petition for rule making proposed the allotment of Channel 241A at Bokchito, Oklahoma, and the proposed substitution of Channel 263A for Channel 241A at Clayton, Oklahoma, that proposal was withdrawn by Request for Approval of Withdrawal filed August 1, 2007, a copy of which is attached hereto as Exhibit B.

4. The proposed amendment to Section 73.202(b), the FM Table of Allotments, thus is as follows:

	<b><u>Current</u></b>	<b><u>Proposed</u></b>
Clayton, Oklahoma	241A	262A

This proposed channel substitution would serve the public interest by allowing for a substantial increase in the population served by KFYZ-FM and by enabling more reliable operations by that station. There would be no offsetting detriment from the substitution of a new channel for the vacant channel there, as a fully-spaced Class A allotment would remain available for application during an upcoming auction.

WHEREFORE, the premises considered, North Texas hereby respectfully requests that Channel 262A be substituted for vacant Channel 241A at Clayton, Oklahoma, as set forth herein.

Respectfully submitted,

NORTH TEXAS RADIO GROUP, L.P.

By: Anne Goodwin Crump  
Anne Goodwin Crump

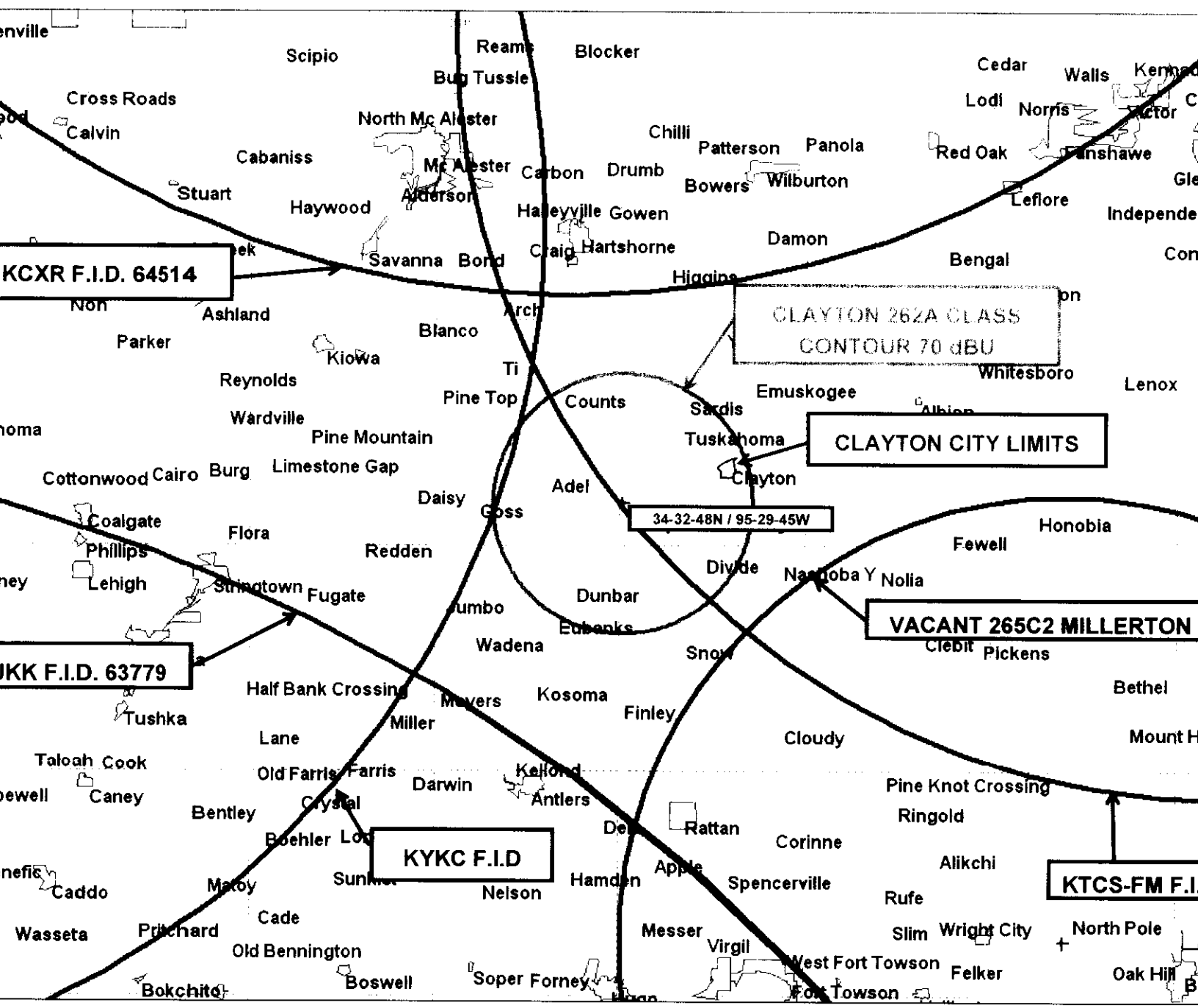
Its Attorney

FLETCHER, HEALD & HILDRETH, P.L.C.  
1300 N. 17<sup>th</sup> Street  
Eleventh Floor  
Arlington, Virginia 22209  
(703) 812-0400

August 15, 2007

## EXHIBIT A

Channel 262A Clayton, Oklahoma



reference coordinates for Channel 262 A Clayton OK: 34 32 48 N / 95 29 45 W

	State	City	Freq	Channel	ERP KW	Class	Status	Dist. Km	Sep	Clear	Comment
	OK	CLAYTON	100.5	263	0	A	ADD	0.02	72.00	-71.98	1
	OK	MILLERTON	100.9	265	0	C2	VAC	76.88	55	21.9	
311M	OK	BYNG	100.1	261	0	C2	USE	121.08	106	15.1	
R	OK	TAFT	100.3	262	0	A	USE	132.85	115	17.9	
R	OK	TAFT	100.3	262	3.9	A	LIC	140.5	115	25.5	
K	TX	DALLAS	100.3	262	0	C	USE	256.93	226	30.9	
K	TX	DALLAS	100.3	262	36	C	LIC	260.46	226	34.5	Aux
K	TX	DALLAS	100.3	262	53	C	LIC	257.05	226	31	Aux
K	TX	DALLAS	100.3	262	82	C	LIC	260.46	226	34.5	Aux
K	TX	DALLAS	100.3	262	97	C	LIC	256.81	226	30.8	
S-FM	AR	FORT SMITH	99.9	260	0	C	USE	94.7	95	-0.3	
S-FM	AR	FORT SMITH	99.9	260	100	C	LIC	94.7	95	-0.3	
C	OK	BYNG	100.1	261	50	C2	LIC	121.08	106	15.1	

applicant proposes to substitute 262A for the vacant Channel 241A at Clayton. This 263A Add  
 n element of an undocketed Petition for Rule Making for channel 241A at Bokchito, OK  
 ch was withdrawn on 7-31-07.

er items in CDBS may include: Add channel 262A at Millerton, OK, RM-10577, MB Docket  
 05-328, filed by Jeraldine Anderson and was dismissed per Report & Order, DA 07-1715,  
 ased 4-16-07. Also ADD 262A Broken Bow, OK, counterproposal in MB Docket No. 05-328  
 l by Katherine Pyeatt proposing to allot 262A at Broken Bow, which was dismissed per  
 ort & Order, DA07-1715, relased 4-16-07.

## Anne Crump

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**From:** Charles Staples [charlesstaples@att.net]

**Sent:** Thursday, August 09, 2007 4:09 PM

**To:** Anne Crump

**Subject:** increases new site

70 dBU City Grade presently served: 2,253

70 dBU City Grade Proposed: 3,935, for an increase of 1,682

Present 60 dBU Service contour presently served: 5,749

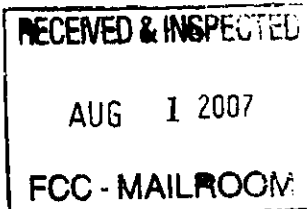
Proposed 60 dBU Proposed: 15,675, for an increase of 9,926

8/14/2007



## EXHIBIT B

DOCKET FILE COPY DUPLICATE Before the  
Federal Communications Commission  
Washington, D.C. 20554



In the Matter of )  
 )  
Amendment of 73.202(b) ) MB Docket No. 07-107  
Table of Allotments ) RM-11330  
FM Broadcast Stations )  
(Bokchito, OK & Clayton, OK) )

To: Office of the Secretary  
Attn: Assistant Chief, Audio Division,  
Media Bureau

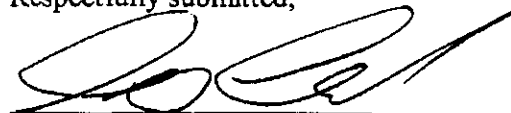
**REQUEST FOR APPROVAL OF WITHDRAWAL**

I, Charles Crawford, hereby request approval to withdraw my expression of interest for Channel 241A at Bokchito, OK, and the proposed substitution of channel 263A for the vacant allotment channel 241A at Clayton, OK, filed on or about April 27, 2005. I have decided not to pursue a station in Bokchito OK at this time and therefore am withdrawing my expression of interest.

An affidavit pursuant to Section 1.420(j) of the Commission's rules is attached regarding my withdrawal.

The factual information provided in this Request for Approval of Withdrawal is correct and true to the best of my knowledge.

Respectfully submitted,



Charles Crawford  
4553 Bordeaux Ave.  
Dallas, Texas 75205  
(214) 642-6410

July 31, 2007

Charles W

**SWORN AFFIDAVIT**

Charles Crawford does state under penalty of perjury:

1. My name is Charles Crawford and I filed a Petition for Rule Making proposing to allot channel 241A to Bokchito, OK and substitute channel 263A for the vacant allotment, channel 241A at Clayton, OK, on or about April 27, 2005. Based on my expression of interest, the FCC subsequently released a Notice of Proposed Rule Making, MB Docket No. 07-107, on May 25, 2007.

2. I have decided not to pursue the allotment of channel 241A at Bokchito, OK at this time and have therefore concluded to request that the FCC dismiss my Expression of Interest. I hereby certify that I have not nor will not receive, either directly or indirectly, any money or other consideration in connection with the dismissal of my Expression of Interest. I declare that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed this 31<sup>st</sup> day of July, 2007.

A handwritten signature in black ink, appearing to be 'C. Crawford', written over a horizontal line.

Charles Crawford